

**REMARKS**

**I. Introduction**

Claims 1, 4-12 and 14-16 are pending in this application. Applicant acknowledges, with appreciation, the Examiner's indication that claims 7, 8 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, claims 1, 5, 7, 8, 12 and 16 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the amendments of claims 1, 5 and 12 can be found in, for example, Embodiment 1 of the specification, particularly in Table 1 as well as Figs. 1 and 2. Allowable claims 7, 8 and 16 have been amended to be in independent form.

It is noted that Applicant filed the Information Disclosure Statement on February 3, 2006. Applicant respectfully requests the Examiner to acknowledge receipt of the IDS and provide a copy of the PTO-1449 form appropriately initialed indicating consideration of the cited references.

**II. The Rejection of Claims 1, 4, 6, 14 and 15 under 35 U.S.C. §102(b)**

In the statement of the rejection, the Examiner asserted that Anayama et al. discloses a method for forming a semiconductor laser identically corresponding to what is claimed.

In response, Applicant submits that Anayama et al. does not disclose, at minimum, the first cladding layer being doped with a first impurity "to have a dopant concentration higher than  $4 \times 10^{17} \text{ cm}^{-3}$ ," recited in independent claims 1 and 12, as amended.

Anayama et al. describes "[a]s for magnesium which is a p-type dopant, ... carrier concentration in the (100) and (411)A planes are obtained as about  $1 \times 10^{17} \text{ cm}^{-3}$  and about  $4 \times 10^{17}$

cm<sup>-3</sup>, respectively" (column 8, lines 27-33). The (100) plain is first cladding layer 16 on the flat plane, and the (411)A is first cladding layer 16 on the slant portion. It is, therefore, apparent that Anayama et al. does not disclose first cladding layer 16 having a dopant concentration higher than  $4 \times 10^{17}$  cm<sup>-3</sup>, as claimed.

Based on the foregoing, Anayama et al. does not disclose a semiconductor laser device and a method for fabricating a semiconductor laser device including all the limitations recited in independent claims 1 and 12, as amended, within the meaning of 35 U.S.C. §102. Dependent claims 4, 6, 14 and 15 are also patentably distinguishable over Anayama et al. at least because they respectively include all the limitations recited in independent claims 1 and 12. Applicant, therefore, respectfully solicits withdrawal of the rejection of the claims under 35 U.S.C. §102(b) and favorable consideration of the pending claims.

### **III. The Rejection of Claims 5 and 9-11 under 35 U.S.C. §103(a)**

Claims 5 and 9-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Anayama et al. in view of Gen-Ei et al. In response, it is submitted that claims 5 and 9-11 are patentably distinguishable over the applied combination of the references at least because they include all the limitations recited in independent claim 1. For the reasons set forth above, Anayama et al. does not teach a semiconductor laser device recited in claim 1. Furthermore, Gen-Ei et al. does not teach a semiconductor laser device recited in claim 1, and therefore, does not cure any deficiencies of Anayama et al.

Accordingly, Anayama et al. and Gen-Ei et al., either in combination or individually, do not disclose or teach a semiconductor laser device including all the limitations recited in claims 5

and 9-11. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 5 and 9-11 under 35 U.S.C. §103(a), and favorable consideration thereof.

**IV. Conclusion**

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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